REMARKS/ARGUMENTS

The Office Action mailed June 10, 2005 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Claims 74, 82, 90, and 98 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes may be found in the specification, page 19, paragraph 0032. The text of claims 75-81, 83-89, 91-97 and 99-105 is unchanged, but their meaning is changed because they depend from amended claims.

With this amendment it is respectfully submitted the claims satisfy the statutory requirements.

Interview Summary

On July 21, 2005, a telephonic interview was conducted between Marc S. Hanish, Reg. No. 42,626 and Examiner Alicia Baturay. The Examiner is kindly thanked for granting this interview. During the interview, Applicant inquired as to how the Examiner felt that the data stored in the cache in the Chen reference corresponded to a pattern as described by the claims of the present application. The Examiner indicated that in Chen, data which is expected to be needed is preloaded into the cache. Since the definition of pattern in the specification of the present invention included "expected requests", the Examiner felt that the two corresponded. Applicant pointed out that he felt that the term "request" corresponded to a request for data, and not the data itself. Nevertheless, Applicant agreed to modify the claims to make clear that the request for data was different than the data itself. The Examiner indicated that the explanation of

the difference made sense, and that if the difference was made more clear in the claims, then the Chen reference would have to be reexamined. This amendment attempts to address the difference.

The 35 U.S.C. § 102 Rejection

Claims 74, 75, 79, 82, 83, 87, 90, 91, 95, 98, 99 and 103 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Chen et al.[1] This rejection is respectfully traversed.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.[2]

As to independent claim 74, Chen does not teach or suggest "determining if said network management data request contains a pattern defined in a memory" as claimed in claim 74. Chen merely describes a lookahead cache, where data that is expected to be requested is preloaded into a cache. When a request for data is received by the cache, the cache then goes ahead and searches for matching data in the cache. If the requested data is in the cache, it would go ahead and respond with the data. There is no teaching in Chen of first determining if a request for data matches a pattern. Chen, as with all lookahead caches, simply checks to see whether the requested data is in the cache.

[1] U.S. Patent No. 6,076,107

[2] Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

As such, Chen also doesn't teach or suggest "determining if data responsive to said network management data request is contained in a cache of prefetched network management data if said network management data request contains a pattern defined in said memory." (emphasis added) as claimed in claim 74.

Chen also does not teach or suggest "initiating periodic data collections for data relating to said pattern if said data responsive to said network management data request is not contained in said cache of prefetched network management data but said network management data request contains a pattern defined in said memory" as claimed in claim 74. Since there is no saving of patterns in a memory, there can be no decision to initiate periodic data collections based upon whether a request matches a pattern in the memory. In Chen, the cache merely prefetches all data related to a request anytime the request is served (e.g., an entire row of data when only one cell in the row was requested, see Chen col. 5, lines 1-13). It does not prefetch data based on whether a request matches a pattern that is defined in memory. As such, Applicant respectfully submits that claim 74 is in condition for allowance.

As to independent claims 82, 90, and 98, these claims contain elements similar to that as described above with respect to claim 74, and as such the Applicant respectfully submits that these claims are also in condition for allowance.

As to dependent claims 75, 79, 83, 87, 91, 95, 99 and 103, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The 35 U.S.C. § 103 Rejection

Claims 76-78, 80, 81, 84-86, 88, 89, 92-94, 96, 97, 100-102, 104 and 105 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chen in view of Case et al.[3]. This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.[4]

As to dependent claims 76-78, 80, 81, 84-86, 88, 89, 92-94, 96, 97, 100-102, 104 and 105, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Request for Entry of Amendment

Entry of this Amendment will place the Application in better condition for allowance, or at the least, narrow any issues for an appeal. Accordingly, entry of this Amendment is appropriate and is respectfully requested.

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[3] Case, J. et al., "A Simple Network Management Protocol (SNMP), May 1990, RFC 1157, http://www.ietf.org/rfc/rfc1157.txt?number=1157, pages 6, 13, 18.
[4] M.P.E.P § 2143.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

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Dated: 8/5/05

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